

REMARKS**Response to Claim Rejections Under 35 U.S.C. §112**

Claims 1-9, 29, 30, 35-38 and 41-45, and 47-49 are rejected by the Examiner under 35 USC §112, first paragraph, as being failing to comply with the written description requirement. The Examiner contends that the term "impervious" does not have original support and its scope is not clearly understood and therefore the term constitutes new matter. In response applicants direct the Examiner's attention to page 9, lines 4-6, which states

Useful heterologous tissue is relatively impervious and impenetrable so as to prevent tissue build up and the migration of smooth muscle cells through the stent framework. (Emphasis added)

Applicants respectfully submit that the claim language has support in the specification and that it fully meets the requirements of 35 U.S.C. §112(1). Withdrawal of the rejection is respectfully requested.

Response to Rejections Based Upon Prior Art

Claims 1, 2, 9, 37, and 43-45 are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Winston et al. (U.S. Pat. No. 6,117,166) alone where the effective filing date of these claims is March 4, 2004 because of the new matter added to the claims.

Applicants submit based on the above that the claims do not contain new matter. On the merits of the rejection, the Examiner's attention is directed to the arguments

previously submitted in the Amendment mailed on March 4, 2004.

Claims 1-4, 6-9, 37, 43-45, and 47-49 are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Love (97/24081) in view of Winston et al. (U.S. Pat. No. 6,117,166).

The Examiner's attention is directed to the arguments previously submitted in the Amendment mailed on March 4, 2004. Love (WO) is directed to a prostheses not a stent assembly. A prostheses is a body part replacement, whereas a stent is a luminal support member. The jacket of the present invention is impervious to tissue ingrowth. The Love (WO) reference does not teach or suggest that feature. The Love (WO) alone or combined with other references does not teach or suggest the rejected claims.

Claim 5 is rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Winston et al. (U.S. Pat. No. 6,117,166) in view of Narciso (WO 94/15583). Claim 5 depends from claim 1 and Winston et al alone or when combined with Narciso does not disclose the features of claim 1, therefore the combination cannot render obvious claim 5.

Claim 35 is rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Love (WO 97/24081) and Winston (U.S. Pat. No. 6,117,166) as set forth in the earlier rejection and in further view of Dereume (U.S. Pat. No. 5,653,747). However, claim 35 depends from claim 1 and neither Love (WO) alone or combined with Winston teach or suggest the features of claim 1. Dereume fails to make up for the deficiencies for these references.

Conclusions

Applicants believe that the present claims define patentable subject matter. Further consideration of the claims pursuant to the concurrently filed RCE and an early allowance thereof are earnestly solicited.

Respectfully submitted,

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